IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.2018 OF 2005

Fakhruddin Mohmd.Ali Indorewalla ...Appellant
Vs.
Municipal Corporation of Gr.Mumbai ...Respondent

FIRST APPEAL NO.2019 OF 2005

Laxmandas Pitumal ...Appellant
Vs.
Municipal Corporation of Gr.Mumbai ...Respondent

FIRST APPEAL NO.2020 OF 2005

Mohammed Ali S. Motiwala ...Appellant
Vs.
Municipal Corporation of Gr.Mumbai ...Respondent

FIRST APPEAL NO.2021 OF 2005

M/s.Khamisa Shop ...Appellant
Vs.
Bombay Municipal Corporation ...Respondent

Mr D.R. Shah for the Appellant in F.A.No.2018 of 2005, 2019 of 2005 and 2020 of 2005.
Mr R.A. Thorat for the Appellant in F.A.No.2021 of 2005.
Mr J.J. Xavier for the Respondent in all Appeals.

CORAM : A. S. OKA, J.
DATE : APRIL 18, 2006.

P.C.:

1. The learned Counsel appearing for the Appellants in First Appeal Nos.2018/05, 2019/05 and 2020/05 pointed out that the Trial Court has dismissed the suits on the ground that the Civil Court had no jurisdiction to entertain a suit challenging action of

the Planning Authority under section 55 of the Maharashtra Regional and Town Planning Act, 1966. He submitted that as decision of the Trial Court is based on law laid down by this court, the Appellants will have to avail of other remedy for challenging action under section 55 of the said Act of 1966. He, therefore, submitted that the First Appeals may be permitted to be withdrawn with liberty to file appropriate proceeding for challenging the action under section 55 of the said act of 1966. He states that to enable the Appellants to take appropriate steps, ad-interim order passed by this court may be continued for some time. Same is the request made by the learned Counsel appearing for the Appellants in First Appeal No.2021 of 2005. I have heard Shri Xavier on behalf of the Respondent-Corporation.

2. In my view, the request made by the learned Counsel appearing for the Appellants is reasonable and deserves to be granted.

3. Hence, the Appeals are dismissed as withdrawn with liberty to adopt appropriate proceeding for challenging the action under section 55 of the said

Act of 1966.

4. To enable the Appellants to take appropriate steps, parties are directed to maintain status-quo as of today in respect of disputed structures for a period of eight weeks from today. The Appellants will be entitled to refund of court fees as per the rules.

JUDGE